

MEMO ENDORSED

CHRISTOPHER M. MONGIELLO
889 James Street, Pelham Manor NY, 10803
Tel: 914 646-8224
Email: *therockacademy@mac.com*
Plaintiff – Appellant

District Judge
Hon. Kenneth M. Karas
The Hon. Charles L. Brieant Jr.
Federal Building and United States Courthouse
300 Quarropas St.
White Plains, NY 10601-4150
Deputy Phone: (914) 390-4146
Courtroom: 521
Chambers Email:
Chambers Phone: (914) 390-4145
Chambers Fax:

RE: MONGIELLO v. SHELLPOINT APPEAL 7:24-cv-02548-KMK

ADVERSARY COURT Case Number 23-22732

Related Federal Court Case No. 7:24 civ 02290

To the Honorable Judge Kenneth M. Karas

STATUS REPORT


Your Honor

I wanted to keep the court apprised of my Related Federal Court Case No. 7:24 civ 02290 pending against the SAME two appellee defendants for the same grounds. Attached is my clerk's entry of default and I have made application for default judgment. In order to preserve the court resources, I am requesting that this appeal be held in abeyance pending the entry of the final judgment in the attached case. If the court enters the final judgment as we are asking in this appeal, then Appellant would request that this court dismiss the appeal as moot. Thank you.

Thank you for your prompt attention to this urgent matter.

RESPECTFULLY SUBMITTED.

Dated June 3rd, 2024



CHRISTOPHER M. MONGIELLO
889 JAMES STREET
PELHAM MANOR, NY 10803
TEL: 914 646-8224
EMAIL: therockacademy@mac.com

Cc: Shellpoint Mortgage Servicing, LLC
17000 Katy Freeway
Suite 399
Houston, TX 77094

Plaintiff's Motion for Default Judgment, (Dkt. No. 15) is denied. First, the Motion fails to comply with the Court's Individual Rules of Practice as it is not accompanied by an Order To Show Cause. (See Individual Rules of Practice of the Honorable Kenneth M. Karas, IV; *see generally* Dkt.) Second, the deadline to answer established by the U.S. Marshals' service of process controls and has not yet expired. (See Dkt. No. 11.) This denial is without prejudice to renewal if Defendants fail to appear by July 19, 2024.

Dated: June 5, 2024

SO ORDERED



**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X

CHRISTOPHER M. MONGIELLO

Plaintiff(s),

- against -

INDYMAC BANK, FSB }
SHELLPOINT MORTGAGE }

Defendant(s),

-----X

7:7:24 Civ. 02290 (KMI)

**CLERK'S CERTIFICATE
OF DEFAULT**

I, RUBY J. KRAJICK, Clerk of the United States District Court for
the Southern District of New York, do hereby certify that this action was commenced on
03/25/2024 with the filing of a summons and complaint, a copy of the summons and
complaint was served on defendant(s) Shellpoint Mortgage
Servicing, LLC individually and Indymac Bank, FSB.
authorized agent for
by personally serving service of process, Latva Williams, whose phone number is 832-775-772,
and proof of service was therefore filed on 05/13/2024, Doc. #(s) 10.

I further certify that the docket entries indicate that the defendant(s) has not filed an
answer or otherwise moved with respect to the complaint herein. The default of the
defendant(s) is/are hereby noted.

Dated: New York, New York

June 3, 20²⁴

RUBY J. KRAJICK
Clerk of Court


By: Negam Dubal
Deputy Clerk

CERTIFICATE OF COMPLIANCE WITH F.R.A.P. 32

Pursuant to Rule 32(a)(7)(C) of the Federal Rules of Appellate Procedure, the foregoing letter is in 14-Point Bookman Old Style proportional font and contains 312 words pursuant to Fed. R. App. P. 32(a)(7)(B)(iii), and thus is in compliance with the type-volume limitation set forth in Rule 32(a)(7)(B) of the Federal Rules of Appellate Procedure

RESPECTFULLY SUBMITTED.

Dated June 3rd, 2024



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